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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
 10/21/21 12:00 pm
 CLERK
 U.S. BANKRUPTCY
 COURT - WDPA

| | | | |
|----------------------------|---|-----------|--------------|
| In re: | : | Case No.: | 21-21166-GLT |
| | : | Chapter: | 13 |
| Ryan A. Wellington | : | | |
| D'Andrea Nicole Wellington | : | | |
| | : | Date: | 10/20/2021 |
| <i>Debtor(s).</i> | : | Time: | 09:00 |

PROCEEDING MEMO

MATTER: #30 - Trustee's Oral Motion to Dismiss Case
 # 32 - Response filed by the Debtor
 #19 - Contested Confirmation of Plan Dated 6-8-2021 (N)

APPEARANCES:
 Debtor: Michael C. Eisen (Ryan Wellington by phone)
 Trustee: Owen Katz

NOTES: [9:49am]

Katz: We did receive a payment on 9/27. The plan is still in arrears totaling \$3,200. We ask for an amended schedule and a wage attachment.

Eisen: The Debtor made another full plan payment on Saturday. The Debtor is very optimistic about moving forward with this case.

Court: The Court will note that the rule is that there must be a wage attachment when there is attachable income. Wage attachments should be filed as a matter of custom. Here, the debtor appeared to have attachable income with American Airlines as of the petition date.

Eisen: The debtor had reduced hours, and could not afford an attachment.

Court: Then the Debtor needs to file a motion for an exception to the rule.

Eisen: We will now file a motion for a wage attachment. If there is an increase to his income, we will amend the schedules.

Court: I am going to require that a wage attachment be filed within a week provided that the October payment is received. Failure to follow through will move this case to dismissal. After payment is received, we'll move this case to conciliation.

OUTCOME:

1. The *Oral Motion to Dismiss Case* [Dkt. No. 30] and further consideration of the plan dated June 8, 2021 are continued to a conciliation conference on December 16, 2021 at 9 a.m. [Text Order to Issue]

2. On or before October 27, 2021, the Debtor shall file a motion for approval of a wage attachment. [Text Order to Issue]

DATED: 10/20/2021